

1 BILL NO. Z-85-09-39

2 ZONING MAP ORDINANCE NO. Z- Lush

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. U-14.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby  
8 designated an R-3 (Multi-Family Residential) District under the terms of  
9 Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Part of that portion of the West Half of the North-  
11 east Quarter, lying South of the centerline of East  
12 State Blvd., together with part of a 2.55 acre tract  
in the Fractional Southeast Quarter, both in Section  
33, Township 31 North, Range 13 East, Allen County,  
Indiana, more particularly described as follows, to-wit:

13 Beginning at the intersection of the East-West centerline  
14 of said Section 33 with the East right-of-way line of  
15 Granduer Drive, said point of intersection being  
16 situated, by deed, 698.0 feet, S 89 degrees 57 minutes  
17 E (platted bearing and is used as the basis for the  
bearings in this description) of the center of said  
18 Section 33; thence N 00 degrees 17 minutes E, on and  
19 along the East right-of-way line of Grandeur Drive,  
20 37.7 feet to the centerline of East State Blvd.;  
21 thence N 77 degrees 49 minutes E, on and along said  
22 centerline, 120.0 feet; thence S 05 degrees 10 minutes E,  
23 175.75 feet to a point situated 60.65 feet, N 05 degrees  
24 10 minutes W from the Northwest corner of an 0.90 acre  
tract of land conveyed to Indiana and Michigan Electric  
Company by a deed recorded at Deed Record 640, page 248  
in the Office of the Recorder of Allen County, Indiana;  
25 thence N 89 degrees 00 minutes W, 133.9 feet to the  
East right-of-way line of Grandeur Drive at a point  
situated 80.0 feet, N 01 degrees 17 minutes E from the  
Northwest corner of Lot #90 in Monarch Park, Section "A",  
Amended as recorded in Plat Book 28, pages 110-112 in  
the Office of the Recorder of Allen County, Indiana; thence  
N 00 degrees 17 minutes E, 109.7 feet to the point of  
beginning, containing 0.467 acres of land, subject to  
legal right-of-way for East State Blvd.,

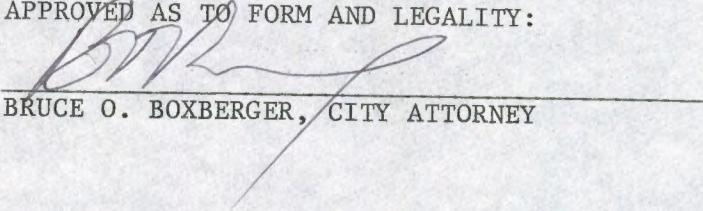
26 Subject to easements for utility purposes over the West  
14 feet and the South 10 feet,

27 and the symbols of the City of Fort Wayne Zoning Map No. U-14, as  
28 established by Section 11 of Chapter 33 of the Code of the City of Fort  
29 Wayne, Indiana are hereby changed accordingly.

1 Page two  
2  
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4  
5

SECTION 2. That this Ordinance shall be in  
full force and effect from and after its passage and approval by the  
Mayor.

7   
8 COUNCILMEMBER  
9  
10

11 APPROVED AS TO FORM AND LEGALITY:  
12   
13  
14

15 BRUCE O. BOXBERGER, CITY ATTORNEY  
16  
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Read the first time in full and on motion by Redd  
seconded by Eisburt, and duly adopted, read the second time  
by title and referred to the Committee Legislature (and the Ci  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Way  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., E

DATE: 8-27-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	____	<u>7</u>	_____	<u>2</u>	_____
<u>BRADBURY</u>	____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	____	_____	_____	<u>✓</u>	_____
<u>GiaQUINTA</u>	____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	____	_____	_____	<u>✓</u>	_____
<u>STIER</u>	____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	____	_____	_____	_____	_____

DATE: 9-24-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

WIN MOSES, JR., MAYOR

## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

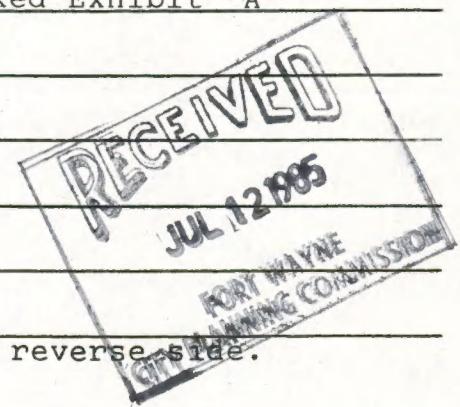
INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATEI/~~Wex~~ Cynthia M. Dickman

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1 District to a/an R3 District the property described as follows:

See attached Warranty Deed for legal description marked Exhibit "A" which is attached hereto and made a part hereof.



(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

SE Corner of East State Blvd & Grandeur Dr  
Fort Wayne, Ind. 46815

(General Description for Planning Staff Use Only)

I/~~Wex~~, the undersigned, certify that I am/~~Wex~~ the owner(s) of ~~fivey-one~~ percent of the property described in this petition.

Cynthia M. Dickman6607 Longfellow, Dallas,  
Texas 75230Cynthia M. Dickman

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Philip R. TerrillPETERS & TERRILL

(Name)

1700 Lincoln Tower  
(Address & Zip Code)Fort Wayne, IN 46802  
(Telephone Number)(219) 423-4487

*Philip R. Terrill*  
 COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning  
 and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,  
 Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Cynthia M. Dickerman

MAIL TAX BILLS TO:  
2215 ABBEY DR

77 09470

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT:

CHIMNEY CORNERS, INC., an Indiana corporation, of Allen County in the State of Indiana,

CONVEYS AND WARRANTS TO:

CYNTHIA M. DICKMAN, of Allen County in the State of Indiana,

for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to-wit:

Part of that portion of the West Half of the North-east Quarter, lying South of the centerline of East State Blvd., together with part of a 2.55 acre tract in the Fractional Southeast Quarter, both in Section 33, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the intersection of the East-West centerline of said Section 33 with the East right-of-way line of Grandeur Drive, said point of intersection being situated, by deed, 698.0 feet, S 89° 57' E (platted bearing and is used as the basis for the bearings in this description) of the center of said Section 33; thence N 00°-17' E, on and along the East right-of-way line of Grandeur Drive, 37.7 feet to the centerline of East State Blvd.; thence N 77°-49' E, on and along said centerline, 120.0 feet; thence S 05°-10' E, 175.75 feet to a point situated 60.65 feet, N 05°-10' W from the Northwest corner of an 0.90 acre tract of land conveyed to Indiana and Michigan Electric Company by a deed recorded at Deed Record 640, page 248 in the Office of the Recorder of Allen County, Indiana; thence N 89°-00' W, 133.9 feet to the East right-of-way line of Grandeur Drive at a point situated 80.0 feet, N 01°-17' E from the Northwest corner of Lot #90 in Monarch Park, Section "A", Amended as recorded in Plat Book 28, pages 110-112 in the Office of the Recorder of Allen County, Indiana; thence N 00°-17' E, 109.7 feet to the point of beginning, containing 0.467 acres of land, subject to legal right-of-way for East State Blvd.

Subject to easements for utility purposes over the West 14 feet and the South 10 feet;

Subject to the installment of taxes due and payable in May, 1977, and all subsequent taxes and assessments which Grantee herein assumes and agrees to pay.

Grantor certifies under oath that because this Corporation has elected to be a small business corporation operating under Sub-Chapter S of the Internal Revenue Code, this transaction is not subject to Indiana Gross Income Tax at this time.

DULY ENTERED FOR TAXATION

APR 26 1977

John D. Yebekhaar  
AUDITOR OF ALLEN COUNTY

INSTRUMENT K

1908<sup>3</sup>

1977 APR 26 PM 2:50  
ALLEN COUNTY RECORDER  
John D. Yebekhaar

DATED THIS 22 day of April, 1977.

CHIMNEY CORNERS, INC.

BY Robert L. Meister  
Robert L. Meister, President

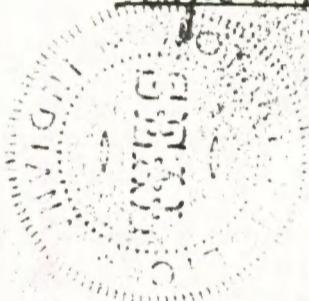
STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN

Before me, the undersigned, a Notary Public in and for said County and State, this 22 day of April, 1977, personally appeared Robert L. Meister, President of Chimney Corners, Inc., to me known to be such officer of said corporation, and acknowledged the execution of the foregoing deed for and on behalf of said corporation and by its authority. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

Sept. 16, 1979

Edna Jean McGarity  
Notary Public  
Edna Jean McGarity



This instrument prepared by William D. Swift, Attorney, 590 Lincoln Tower, Fort Wayne, Indiana 46802.

# Z. K. TAZIAN ASSOCIATES, Inc.

PROFESSIONAL ENGINEERS & LAND SURVEYORS

Zohrab K. Tazian, P.E. & L.S.  
President

Jerry K. Walker, P.E. & L.S.  
Vice President

## Certificate of Survey

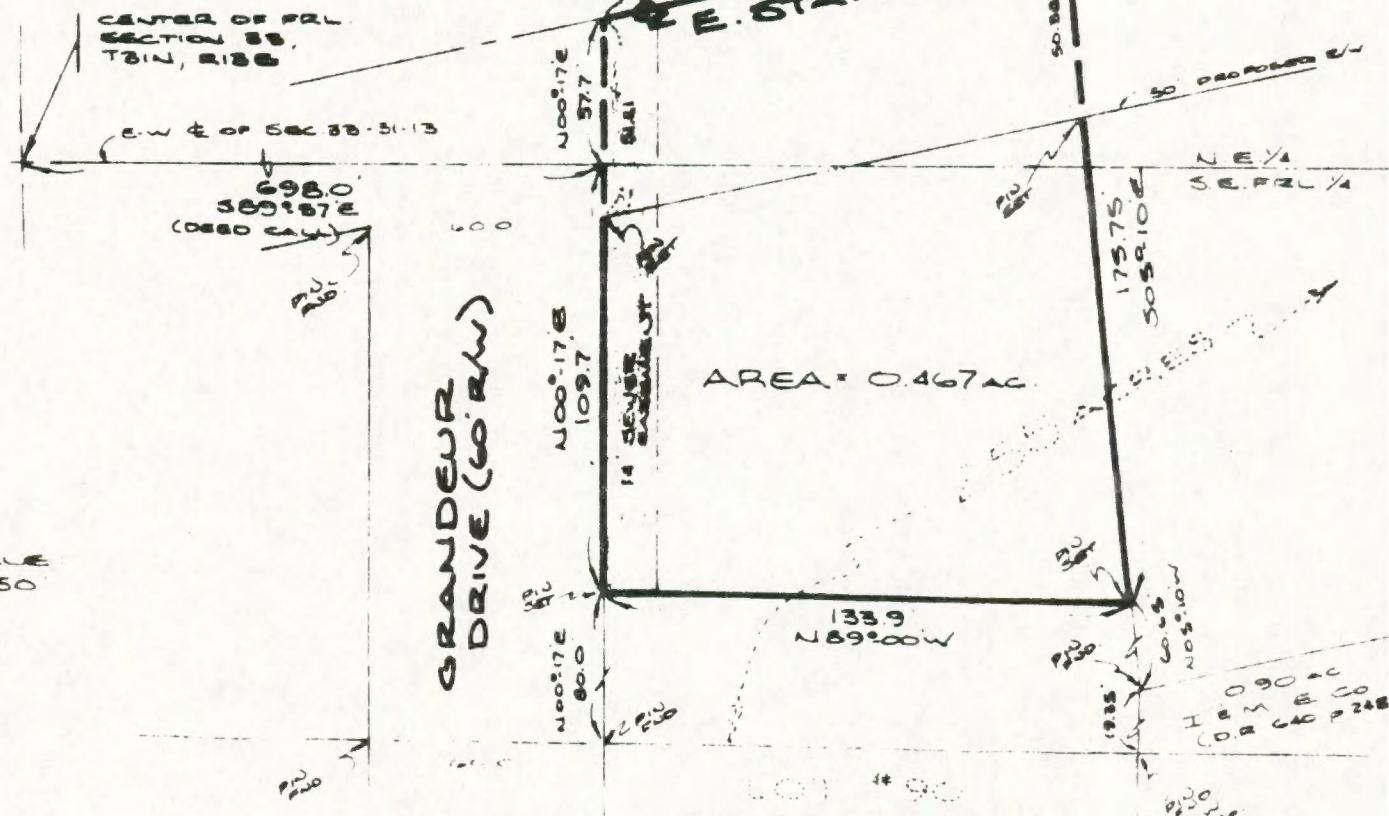
This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically shown below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

Part of that portion of the West Half of the Northeast Quarter, lying south of the centerline of East State Blvd., together with part of a 2.55 acre tract in the Fractional Southeast Quarter, both in Section 33, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the intersection of the East-West centerline of said Section 33 with the East right-of-way line of Grandeur Drive, said point of intersection being situated, by deed, 698.0 feet, S 89°-57' E (platted bearing and is used as the basis for the bearings in this description) of the center of said Section 33; thence N 00°-17' E, on and along the East right-of-way line of Grandeur Drive, 37.7 feet to the centerline of East State Blvd.; thence N 77°-49' E, on and along said centerline, 120.0 feet; thence S 05°-10' E, 175.75 feet to a point situated 60.65 feet, N 05°-10' W from the Northwest corner of an 0.90 acre tract of land conveyed to Indiana and Michigan Electric Company by a deed recorded at Deed Record 640, Page 248 in the Office of the Recorder of Allen County, Indiana thence N 89°-00' W, 133.9 feet to the East right-of-way line of Grandeur Drive at a point situated 80.0 feet, N 01°-17' E from the Northwest corner of Lot #90 in Monarch Park, Section "A", Amended as recorded in Plat Book 28, Pages 110-112 in the Office of the Recorder of Allen County, Indiana; thence N 00°-17' E, 109.7 feet to the point of beginning, containing 0.467 acres of land, subject to legal right-of-way for East State Blvd., and subject to a sewer easement over the West 14 feet thereof.

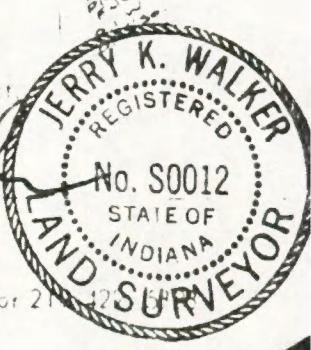
This property is not in special flood hazard area as defined by the FIA Flood Hazard boundary map No. H-01-18, effective Jan. 30, 1976.



I hereby certify on the 17th day of February, 1977 that the above survey is correct.  
REVISED: 14 APRIL 1977 - EASEMENTS

Plotted for: Chimney Corners

Survey No. C2-136 "B"



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 27, 1985 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-08-39; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1985;

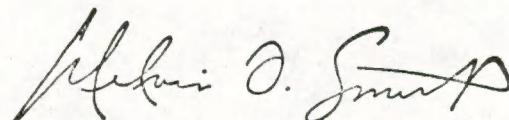
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1985.

Certified and signed this  
4th day of September 1985.



Melvin O. Smith  
Secretary

BILL NO. Z-85-08-39

REPORT OF THE COMMITTEE ON

REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of Fort  
Wayne Zoning Map No. U-14

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(RESOLUTION)

YES

NO

CHARLES B. REDD  
CHAIRMAN

JANET G. BRADBURY  
VICE CHAIRWOMAN

JAMES S. STIER

BEN A. EISBART

DONALD J. SCHMIDT

CONCURRED IN 9-24-85

SANDRA E. KENNEDY  
CITY CLERK

## RECEIPT

COMMUNITY DEVELOPMENT &amp; PLANNING

No 12050

FT. WAYNE, IND.

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

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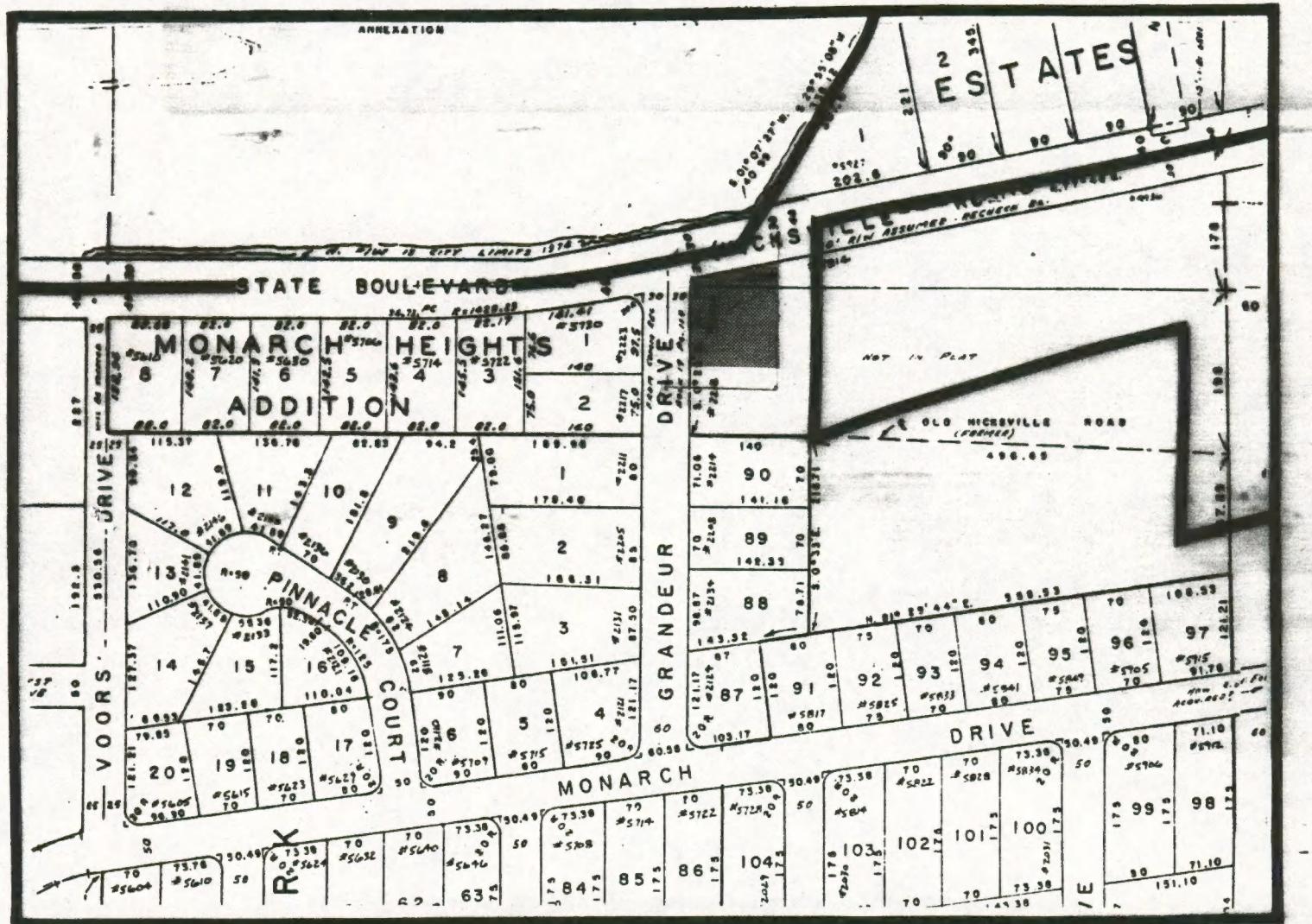
50.00

DOLLARS

100

AUTHORIZED SIGNATURE

## GENERAL LOCATION MAP FOR THE SOUTHEAST CORNER OF STATE BLVD &amp; GRANDEUR.



BILL NO. Z-85-08-39

**FACT SHEET**

Bill No. Z-85-08-39

**BILL NUMBER****Division of Community  
Development & Planning**

<u>BRIEF TITLE</u>	<u>APPROVAL DEADLINE</u>	<u>REASON</u>																								
Zoning Ordinance Amendment																										
<table border="1"> <thead> <tr> <th><b>DETAILS</b></th> <th><b>POSITIONS</b></th> <th><b>RECOMMENDATIONS</b></th> </tr> </thead> <tbody> <tr> <td> <b>Specific Location and/or Address</b>            Southeast corner of East State &amp; Grandeur.         </td> <td>Sponsor</td> <td>City Plan Commission</td> </tr> <tr> <td> <b>Reason for Project</b>              To sell or build to suit a small professional type of practice or business.         </td> <td>Area Affected</td> <td>City Wide  Other Areas</td> </tr> <tr> <td></td> <td>Applicants/ Proponents</td> <td>Applicant(s)  -Cynthia Dickman City Department  Other</td> </tr> <tr> <td> <b>Discussion (Including relationship to other Council actions)</b>    <u>19 August 1985 - Public Hearing</u>              Phil Terrill, attorney representing the petitioner stated that this would not be spot zoning as was stated by the staff analysis. He stated that across the street and immediately to the east were R-3 zoning. He stated that it does sit on the corner and felt this would be spot discrimination not to include this as an R-3 parcel. He stated that the intention of the petitioner was to sell or build to suit a tenant with a rather small professional type of practice or business. He stated that the land as it stands now is not marketable residentially, since it is immediately next to R-3 zoning. He stated the only marketable concept is to have it conform with that land that it is around.              Steve Smith questioned what the use of the R-3 zonings in the area were.              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**DETAILS**

Opposition: Mary Ann Ervin, Monarch Park Neighborhood Association; Janet Bradbury, 2109 Pinnacle Court; Jan Romine, 2218 Grandeur Drive; Laura Edwards, 1818 Dominion Avenue

Those in opposition stated they were opposed to this property being zoned anything other than R-1. They stated they felt a high zoning would create an increase in traffic thereby causing a threat to personal safety. They stated it would not be compatible with the present land use in the area. The President of Monarch Park Association presented the Commission with a remonstrance signed by 285 residents.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

**26 August 1985 - Business Meeting**

Motion to deny was made and carried. Of the nine member present 8 voted in favor of denial, one (1) did not vote.

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

**Project Start**

**Date** July 12, 1985

**Projected Completion or Occupancy**

**Date** 9 September 1985

**Fact Sheet Prepared by**

**Date** 9 September 1985

Patricia Biancaniello

**Reviewed by**

**Date** 9 September 1985

*Gary Busto*

*9 September, 1985*

**Reference or Case Number**

Admn. Appr.

## DIGEST SHEET

## ORIGINAL

## ORIGINAL

**TITLE OF ORDINANCE** Zoning Ordinance Amendment

3-85-0837

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ Land Use Management - CD&P

Synopsis of Ordinance Southeast corner of East State & Granduer Drive.

EFFECT OF PASSAGE Property is zoned R-1 - Single Family Residential.

Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)**

ASSIGNED TO COMMITTEE (J. N.)